United Nations CRC/C/SR.1941

Convention on the Rights of the Child

Distr.: General
20 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1941st (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 11.30 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 11.35 a.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of the Gambia (CRC/C/GMB/2-3; CRC/C/GMB/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Secka** (Gambia), introducing the combined second and third periodic reports of the Gambia, said that the Gambian Government had shown its commitment towards the promotion and protection of the rights of the child in recent years through significant efforts to address health issues affecting children, such as iodine deficiency, polio and HIV/AIDS. The introduction of free maternal and child health-care services had greatly reduced the rates of child malnutrition and infant and child mortality, and a birth registration policy had been established. In the area of education, girls had reached educational parity with boys, the overall rate of school attendance had increased and children had access to free basic education. A conditional cash transfer programme administered by the Ministry of Education had greatly reduced the number of street beggars among *talibes*, or children under local Islamic tutelage. Educational materials had been furnished for basic reading, writing and arithmetic courses alongside the Islamic education they received.

3. The Government remained committed to the protection of children against all forms of violence and had recently enacted the Sexual Offences Act and the Domestic Violence Act. The Gambia was also a member of the West Africa Network for the Protection of Children, which worked to safely repatriate displaced and vulnerable children. The Government, with the support of international partners such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), had developed a national plan of action to address the sexual and commercial exploitation of children and had launched a national child protection strategy designed to combat child poverty and vulnerability. It had also increased the budgets for health and education to just under 11 per cent and 18 per cent, respectively.

4. Despite such progress, challenges remained in the areas of sanitation, nutrition and health and welfare capacity. Steps had been taken to decentralize health-care services so as to improve local access to health care, and community child protection committees had been established to raise awareness of and advocate for children's rights at the local level. Social protection and juvenile justice forums involving relevant stakeholders, community representatives and Government ministers had been held over the last three years, and child protection focal points had been appointed to schools in the most vulnerable communities. Moving forward, the Government intended to strengthen and expand such initiatives, but would require the international community's technical and financial support in order to do so effectively.

5. **Ms. Muhamad Shariff** (Country Rapporteur), welcoming the State party's efforts to bring domestic legislation into conformity with the Convention, in particular the adoption of the 2005 Children's Act, asked whether the Government would continue to take appropriate measures to bring all sections of the Act into line with the principles and provisions of the Convention, whether steps had been taken to disseminate the Act among childcare professionals and to make it available in local languages and what amount of human, technical and financial resources had been allocated to its implementation. Did the State party intend to formulate a comprehensive national policy and strategy for children?

6. With reference to children's right to health and education, she asked whether the State party planned to significantly increase the amount of the national budget allocated to health and education so as to bring it into line with the internationally recommended

minimum. She also wished to know what measures had been taken to ensure that the Government's national and foreign policy decisions did not negatively impact the flow of development assistance for health and education in the short and long term.

7. Concerning data collection, she asked whether the State party had strengthened its efforts to establish a comprehensive mechanism to acquire data disaggregated by gender, age, ethnic group and rural and urban area. Had quantitative studies been undertaken on cases involving the sexual exploitation and trafficking of children and, if so, had the results been made available to local NGOs?

8. Turning to the issue of child sex tourism, she requested further information on the activities conducted under the Tourism Offences Act of 2003 aimed at combating the commercial sexual exploitation of children, and on the number and type of sentences handed down to perpetrators of child sex tourism offences. Information on the legislative measures taken by the State party to establish a clear definition of the child and to set 18 years of age as the legal minimum for marriage would be welcome. Had any steps been taken to amend the Constitution, which stipulated that marriage was subject to customary law, and to reform the provisions of the Children's Act so that it criminalized child marriages?

9. Concerning particularly vulnerable children within society, she asked whether steps had been taken to eliminate discrimination and social stigma against children with disabilities and to facilitate their full inclusion into society. She wished to know what efforts had been made to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and to implement policies and programmes that guaranteed their access to health, education and social services. She also enquired whether the Women's Bill would provide for the prevention and elimination of all forms of discrimination, including gender discrimination.

10. She expressed concern at the lack of general awareness of the principle of the best interests of the child and asked what steps had been taken to ensure that the police, the child protection agencies and the courts, including the Cadi courts, were trained on the provisions of the Convention. She also wished to know whether a monitoring mechanism had been established to ensure that the courts took into account the best interests principle in cases involving children. It would be useful to know whether the State party had considered amending section 218 of the Children's Act, under which young children could be held with their mothers in detention through the age of 6, since that was at variance with international standards.

11. As to respect for the views of the child, she asked whether the State party had developed a systematic approach to increase public awareness of the participatory rights of children, particularly at local levels and in traditional communities, and to encourage respect for the views of the child in families, schools and the foster care and judicial systems. She also wished to know whether programmes had been established to guarantee children's right to freedom of expression, particularly in traditional communities.

12. Regarding children's access to information, she asked whether the State party intended to open more public libraries, particularly in rural areas, whether it had established appropriate operating guidelines for Internet cafes to prevent children from accessing age-inappropriate websites and whether it had introduced minimum standards for television broadcasters to protect children from harmful material on television and radio.

13. Referring to the right to health and access to health services, she asked what steps would be taken to further reduce child and infant mortality rates, including child fatalities as a result of trafficking. Concerning violence against children, she asked whether studies had been conducted into domestic violence cases. She also requested further information on the national centre for victims of domestic and gender violence, including the date of its

establishment, its location and the type of services provided. In addition, she enquired as to whether awareness-raising campaigns on the Sexual Offences Act and the Domestic Violence Act had been conducted among the relevant stakeholders and the general public, whether any perpetrator of sexual or domestic violence had been charged under either of the Acts and whether appropriate training had been provided to law enforcement officers, judges and magistrates on both Acts' provisions. Lastly, she asked whether steps had been taken to investigate, prosecute and punish the police officers responsible for the murder of 14 unarmed students during a peaceful demonstration on 10 and 11 April 2000.

14. **Mr. Nogueira Neto** asked what obstacles had prevented the establishment of the National Commission on Children's Rights aimed at coordinating the implementation of children's rights at the national and local levels. He also wished to know whether the Ministry of Children's Affairs was operational and, if so, what status, mandate and human, financial and technical resource capacity it had been granted to enable it to coordinate the implementation of children's rights across relevant sectors. Had the State party sought advice or assistance from international experts regarding the functioning of the Ministry?

15. With reference to independent monitoring mechanisms, he asked whether the State party intended to introduce awareness-raising campaigns to facilitate the effective use by children of the monitoring mechanism under the Office of the Ombudsman designed to deal with complaints of violations of the rights of children, and whether it had sought technical assistance from international organizations such as UNICEF to establish a fully independent monitoring mechanism. Lastly, he wished to know what measures had been taken to increase the salaries of health-care workers and teachers in order to attract highly qualified applicants and raise the profile of both professions.

16. **Ms. Khazova** asked whether the State party had any plans to abolish birth registration fees, which in many cases were an obstacle to the issuance of birth certificates.

17. **Ms. Aldoseri** said that, according to the statistics consulted by the Committee, 8.5 per cent of girls in Gambia were married before the age of 15 and 46.5 per cent before the age of 18. Noting the range of problems associated with early marriage, including school dropout, she asked whether the State party intended to prohibit marriage for girls and boys under the age of 18.

18. **The Chairperson** asked for an update from the delegation on the free helpline for children, which according to the Committee's sources was not operating effectively.

19. **Ms. Muhamad Shariff** asked whether any efforts were being made to explicitly ban corporal punishment in all settings.

20. **Ms. Secka** (Gambia) said that birth registration was free of cost. A minimal late registration fee applied only if the child was registered after the age of 5. In order to simplify the process and improve the registration rate, responsibility for birth registration had been incorporated into the Reproductive and Child Health unit, which meant that mothers could apply for a birth certificate for their children at the same time as accessing other services. In addition, traditional birth attendants had been provided with books to record the time and date of delivery, which they then forwarded for official registration. It was expected that full implementation of the Birth Registration Strategic Plan would result in a significant increase in the current rate of 55 per cent. Measures under the Plan included a birth registration campaign in key communities and the provision of computers and other materials to local birth registration authorities.

21. With regard to children born out of wedlock, she said that it was true that if the father's name was to appear on the birth certificate, his identity card must be produced; however, the father need not be named on the birth certificate. A child could be registered by the mother as a single parent, and efforts were being made to raise awareness of that

option. Many mothers were reluctant to register children born out of wedlock due to traditional beliefs and stigma associated with being a single parent.

22. **Ms. Herczog** asked how children who had not been registered were able to access services and entitlements, such as health care.

23. **Ms. Secka** (Gambia) said that the immunization card provided for every child at birth could also be used as identification in order to access services. Now that birth registration had been integrated with reproductive and child health services, births could be registered on the basis of the immunization cards. Late registration was a very simple process.

24. Child marriage was not prohibited under the Children's Act. Although some statistics were available, there had never been an in-depth, extensive study into the costs and consequences of the practice. With the support of an international NGO, a rapid assessment had been carried out to gain an understanding of the scale of the phenomenon. The data from the assessment were currently being analysed and would provide the necessary weight to efforts to advocate for the revision of existing legislation on child marriage. The African Union campaign to end child marriage was being implemented in Gambia. It was hoped that the introduction of free compulsory education for all children would contribute to reducing the early marriage rate. The action taken on the basis of the assessment would be aimed at religious leaders, parents and children themselves.

25. A number of prosecutions had been instituted under the Tourism Offences Act; one European tourist was currently serving a prison sentence for child sexual abuse and another had been heavily fined.

26. Legislation would be reviewed to remove inconsistencies between the minimum age for employment and the age of maturity under the Constitution.

27. Following a mapping of the child protection system nationwide, a range of gaps and challenges had been identified. Work was currently under way to develop a national child protection strategic plan in consultation with UNICEF.

28. The Cadi judges received regular training on children's rights and their protection and the principle of the best interests of the child. When dealing with child custody cases, they requested background reports from the social welfare services in order to identify the best environment for the child. Fathers no longer automatically received custody of children over 7 years of age.

29. A range of measures was being undertaken to disseminate the Children's Act among law enforcement personnel. Since child protection modules had been introduced in the police training academy, all new graduates were well informed about the provisions of the Act. All of the Gambian security forces received annual training and had a good understanding of child protection issues. Child protection units had been set up in the police, the immigration department and even the army, since army personnel might come into contact with children during peacekeeping missions.

30. With regard to monitoring, one of the tasks of the recently established advisory committee on juvenile justice was to monitor implementation of the Children's Act by the Children's Court. Social workers were also always present when the Court was in session.

31. **Ms. Aldoseri** asked whether the African Women's Decade declared by the African Union for 2010–2020 had any implications for the Gambia in terms of the protection of girls against female genital mutilation.

32. **Ms. Secka** (Gambia) said that the Government was implementing a national plan of action against female genital mutilation. However, it had been cautious about legislating on the issue for fear that practitioners would go underground. Instead, the Government's

approach was focused on education and awareness campaigns to change attitudes. Progress had already been made, and some communities had made public declarations to "drop the knife". As female genital mutilation was a deep-rooted traditional practice, it would take time to eradicate, but young educated mothers were already against it.

33. **Ms. Muhamad Shariff** asked what support was provided to circumcisers who were no longer able to exercise their professions.

34. **Ms. Secka** (Gambia) said that as circumcisers were often well known and respected community leaders, it was important to help them to find income-generating activities and maintain their status. The Ministry of Health had plans to train former circumcisers as traditional birth attendants. Many were also involved with the local child protection committees.

35. With regard to the budget for the implementation of the Children's Act, the allocation for the health sector had recently been increased. The Government was rolling out a system of programme-based budgeting to facilitate meeting budget targets. The implementation of the recent social protection policy was expected to result in increased funding for the protection of vulnerable groups and improved access to health care and health insurance.

36. **Ms. Muhamad Shariff** asked whether health insurance was universal.

37. **Ms. Secka** (Gambia) said that the Government planned to introduce a universal national health insurance scheme. Progress would be reviewed in five years.

38. The Government was committed to ensuring the protection of children online and had put in place protocols, guidelines and agreements with Internet cafes to block sites that were not child-friendly. All Internet cafes were registered and monitored by the Public Utilities Regulatory Authority in coordination with the Department of Social Welfare.

39. On the issue of freedom of expression, she said that the Government attached great importance to children's participation and ensured that they were consulted in relation to relevant programmes and projects. Children's participation rates were very high by regional standards. Gambian children had taken part in various regional and international forums as members of government delegations.

40. **The Chairperson** said that, although such high-level involvement was welcome, it was also important to focus on children's everyday participation at the local level. She wondered to what extent there was a culture of involving children in decisions in the family and at school.

41. **Ms. Secka** (Gambia) said that ensuring that children's voices were heard in the family remained a challenge, as there was a deep-rooted culture of silence. Efforts were being made to create awareness in that regard. Children had a much higher level of participation in schools, where there were many youth and peer groups. Child protection focal points had recently been established in schools, starting in the most impoverished areas, in order to further raise awareness of children's rights. The focal point network would gradually be extended to more schools. Intergenerational meetings were held approximately twice a year on a range of issues; most recently, a successful dialogue between children from rural areas and parliamentarians had been organized. Children were selected locally for participation in such meetings through schools, youth clubs and community child protection committees. Children also participated in various activities to mark the Day of the African Child. Because of limited financial resources, there was no children's parliament, but there was a youth parliament for young people aged 13 to 18.

The meeting rose at 1 p.m.